House Bill 1569 (AS PASSED HOUSE AND SENATE)

By: Representative Cummings of the 19th

A BILL TO BE ENTITLED

AN ACT

To provide a new charter for the City of Rockmart; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a city manager, mayor, and mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court´s jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for collections; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions, construction, and severability; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

CHARTER, CITY LIMITS, AND CORPORATE POWERS

**SECTION 1.01.**

Name and incorporation.

This city and the inhabitants thereof are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style of the City of Rockmart, Georgia, and by that name shall have perpetual succession.

**SECTION 1.02.**

Corporate limits.

(a) The boundaries of the City of Rockmart shall be those as existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, written description, or any combination thereof, to be retained permanently in the office of the city manager, and to be designated, as the case may be: "Official Map of the Corporate Limits of the City of Rockmart, Georgia." Photographic, typewritten, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

(b) The mayor and city council may provide for the redrawing of any such map by ordinance to reflect lawful annexations or other changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

(c) The present boundaries of the city, or any portion lawfully annexed hereafter, are a part of the appendix to this charter and incorporated as the boundaries of Rockmart, by reference.

**SECTION 1.03.**

Powers and construction.

(a) The City of Rockmart shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though said powers were specifically enumerated in this charter. The city shall have all powers of self-government not otherwise prohibited by this charter or by general state law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific inclusion or omission of particular powers shall not be construed as extending or limiting the powers of the city in any way.

**SECTION 1.04.**

Examples of power.

(a) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

(b) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure or borrowing of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(c) Building regulations. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; to regulate all housing and building trades; and to establish minimum standards for and regulate building construction and repair, electrical wiring and equipment, gas installation and equipment, plumbing, and housing for the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

(d) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(e) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any public purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

(f) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations to the extent permitted by this charter and the general laws of this state;

(g) Economic development. To levy taxes, make appropriations, provide incentive plans, conduct industrial recruitment, and take other actions necessary to promote or advertise the city and its advantages and resources so as to bring new capital, commercial, and other manufacturing enterprises into the city and create new employment opportunities for its residents;

(h) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(i) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(j) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(k) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal fees, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services, with said fees, if unpaid, to constitute a lien against any property or persons served and enforceable in the same manner as a lien for unpaid property taxes;

(l) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(m) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(n) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(o) Hospitals. To levy taxes, collect fees and other revenue, make appropriations, and make payment from the general revenues and funds of the city for the support of public hospitals;

(p) Jail sentences. To provide that persons given jail sentences in the city´s court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(q) Libraries. To levy taxes, collect fees and other revenue, make appropriations, and make payment from the general revenues and funds of the city for the support of public libraries;

(r) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(s) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(t) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia governing bond issues by municipalities in effect at the time said issue is undertaken;

(u) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(v) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(w) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television, fiber optic networks, and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same. Any such fees, if unpaid, will constitute a lien against the person or property served and enforceable in the same manner as a lien for unpaid property taxes;

(x) Nuisance. To define a nuisance and provide for its abatement, whether on public or private property, in the Municipal Court of Rockmart as outlined both by ordinance and by general state law;

(y) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(z) Personnel. To provide such system of personnel administration, employment matters, or similar rules and regulations as the city manager as chief personnel officer and the mayor and city council should determine;

(aa) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

(bb) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;

(cc) Public hazards: removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(dd) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, athletic, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

(ee) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(ff) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(gg) Public utilities and services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission;

(hh) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(ii) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(jj) Roadways. To name, rename, lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(kk) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquisition, construction, equipment, operation, maintenance, and extension of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same. Any such fees, if unpaid, will constitute a lien against the person or property served and shall be enforceable in the same manner as a lien for unpaid property taxes; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(ll) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items should the city acquire facilities or equipment, or both, for this purpose;

(mm) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of alcoholic beverages, and the sale of firearms; to regulate the transportation, storage, and use of combustible, explosive, and flammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

(nn) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(oo) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(pp) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

(qq) Vehicles for hire. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles; and

(rr) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to

exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia. No listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

**SECTION 1.05.**

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the City of Rockmart, and its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such powers shall be carried into execution as provided by ordinance or general laws of the State of Georgia.

**SECTION 1.06.**

Regulation and control of public streets, alleys, and ways; closing; costs.

(a) In the event that the City of Rockmart receives a petition or written request from all adjoining property owners that any street, lane, alley, avenue, road, or sidewalk, or any part of the same, is no longer needed for street purposes, the city shall have express power and authority to close, lease, sell, convey, or otherwise dispose of any such street, lane, alley, avenue, road, or sidewalk or any part of same. However, should the mayor and city council determine that it is not desirable to permanently abandon such street, lane, alley, avenue, road, or sidewalk, or any part thereof, but should desire to preserve it for future use to the city if needed for street or other purposes, the mayor and city council are hereby expressly granted the power and authority to lease or retain an easement to any such street, lane, alley, avenue, road, or sidewalk, or any part of the same, to any person, firm, or corporation, upon such terms and conditions as they may deem proper, with full power and authority to provide any such lease contract for a renewal of the same on a year to year basis, provided that the city shall not require the use of the property for street purposes at the expiration of any original lease contemplated herein.

(b) Before any street, lane, alley, avenue, road, or sidewalk, or any part of the same is closed, sold, leased, conveyed, or otherwise disposed of, the mayor and city council shall adopt a resolution at a regular meeting thereof, duly called and held. Said resolution shall generally describe such street, land, alley, avenue, road, or sidewalk, or any part of same, together with the intentions of the mayor and city council as to the disposition thereof,

including the terms and conditions of said disposition, and the person, firm, or corporation to whom the property is to be disposed. Upon passage of such a resolution, the city shall then publish notice of the proposed closing or other disposition in a newspaper of general circulation located within the corporate limits of the city once a week for two weeks and hold a public hearing at the next regularly scheduled monthly city council meeting. If after such publication, no objection is made to the proposed disposition, the mayor and city council may proceed by ordinance to make such disposition. If, however, any citizen or property owner makes any objection to the proposed disposition, the mayor and city council shall conduct a full and complete hearing and afford all parties the opportunity to present evidence or otherwise voice their opinions for or against the proposed disposition of the street property. The city shall retain full and complete discretion as to the final disposition of said property, even if requested by all adjoining property owners, and shall not have any obligation or duty to grant said property owners´ request.

(c) In the event that any person, firm, or corporation of the City of Rockmart files an application to close any portion of a street, lane, alley, avenue, road, or sidewalk, within the corporate limits of the city, the applicant shall bear all expenses occasioned by the closing of said street, lane, alley, avenue, road, or sidewalk, or any part of same, even if the mayor and city council do not ultimately grant the application. Said costs shall include, but not be limited to, any and all attorney´s fees, survey costs, preparation of deeds or other legal instruments, recording fees, and any other reasonable costs and expenses incurred therewith. If multiple property owners submit such an application or petition, they shall bear all such costs equally. The applicant shall pay all such costs in advance, prior to the execution of any ordinances, quitclaim deeds, or any other documents required to be executed at the conclusion of said closing.

(d) The mayor and city council may place whatever restrictions, contingencies, or requirements concerning the closing of such street, lane, alley, avenue, road, or sidewalk, or any part of same, as it may deem appropriate, including, but not limited to, the right of retention of easements for sewer, water, and other municipal utilities services.

## ARTICLE II
## CITY GOVERNMENT STRUCTURE

### **SECTION 2.01.**

Establishment of city council; number; election.

The legislative authority of the government of the City of Rockmart, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five councilmembers, to be known as the "mayor and city council of the City of

Rockmart." The mayor and city council established in this charter shall in all respects be a successor and continuation of the governing authority of the City of Rockmart under prior law and shall be elected in the manner provided by general law and this charter. Furthermore, the mayor and city council shall exercise their powers in such manner as prescribed by this charter and the Constitution and applicable general laws of the State of Georgia as they exist on the date of the adoption of this charter and as they may hereafter be amended. If any such powers are not prescribed in this charter, then the mayor and city council shall exercise them in such a manner as may be prescribed by the duly established ordinances of the City of Rockmart.

**SECTION 2.02.**

Qualifications and terms for mayor and councilmembers.

The mayor and councilmembers shall serve terms of four years and until their respective successors are elected and qualified. To be eligible for the office of mayor or councilmember, a person shall have been a resident of the City of Rockmart for 12 months immediately preceding the date of election of the mayor or councilmember. Persons seeking to qualify for the office of councilmember shall, at the time of qualification, be a resident of the ward for which he or she seeks election. Furthermore, the mayor and councilmembers shall continue to reside in the corporate limits of the city and the ward from which they were elected during their respective periods of service and shall be both registered and qualified to vote in municipal elections in this city. The terms of mayor and councilmember shall commence on January 1 of the year next following the year in which they were elected and shall expire on December 31 of the year in which the elections were held to fill the expiring terms.

**SECTION 2.03.**

Vacancies in office.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon the occurrence of any events specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such applicable laws as are or may hereafter be enacted.

(b) Filling vacancies. A vacancy in the office of mayor or councilmember shall be filled as provided in Section 5.06 of this charter.

**SECTION 2.04.**

Compensation and reimbursement of expenses.

The city council may from time to time determine the salary of the mayor and councilmembers by ordinance, subject to the requirements of state law. Each councilmember and the mayor, when authorized by the city council and upon presentation of itemized vouchers, receipts, statements, invoices, bills, or other similar such documentation, shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties of office, including, but not limited to, travel, lodging, meals, entertainment, and other similar such expenses.

**SECTION 2.05.**

Prohibitions.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest – No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person´s official duties or which would tend to impair the independence of the official´s judgment or action in the performance of those official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person´s official duties or would tend to impair the independence of the official´s judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization or use such information to advance the financial or other private interest of the official or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the official´s knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign in accordance with Chapter 5 of Title 21

of the O.C.G.A., the "Ethics in Government Act," or such other applicable laws as are or may hereafter be enacted;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has a financial interest.

(c) Disclosure – Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the mayor and city council. Such interest and such disclosure shall be entered on the records of the mayor and city council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of public property – No elected official, appointed officer, or employee of the city or agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the mayor and city council or the governing body of such agency or entity.

(e) Contracts voidable and rescindable – Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the mayor and city council.

(f) Ineligibility of elected officials – Except where authorized by law, neither the mayor nor any councilmember shall hold any other elected or compensated appointed office in the city or otherwise be employed by said government or any agency thereof during the term for which that official was elected. No former mayor or councilmember shall hold any compensated appointed office in the city until one year after the expiration of the term for which that official was elected.

(g) Political activities of certain officers and employees – No appointed officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and city council either immediately upon election or at any time such conflict may arise.

(h) Penalties for violation:

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position, shall be deemed to have forfeited that person´s office or position, and shall be subject to removal under Section 3.19 of this charter.

(2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

**SECTION 2.06.**

Inquiries and investigations.

Following the adoption of an authorizing resolution, the mayor or city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the mayor or city council shall be punished in the same manner after a violation of any city ordinance.

**SECTION 2.07.**

General power and authority of the mayor and city council.

The mayor and five councilmembers shall compose the Rockmart City Council, and shall be vested with all corporate, legislative, and other powers of government of the city, except as otherwise provided by this charter or general state law.

**SECTION 2.08.**

Eminent domain.

The mayor and city council are hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, industrial, vocational, technical and commercial parks, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, athletic, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

ARTICLE III

ORGANIZATION OF CITY GOVERNMENT

**SECTION 3.01.**

Organization.

The current city government shall continue as presently organized, unless and until otherwise provided by ordinance, amendment to this charter, or other law. The mayor and city council may by ordinance: establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city; provide that the same person shall fill a number of offices and positions of employment; and transfer or change the functions and duties of various offices, positions of employment, and departments and agencies of the city.

**SECTION 3.02.**

Organizational meeting and oath.

The mayor and city council shall hold an organizational meeting each year at its regularly scheduled January meeting. At this meeting, the councilmembers shall elect a mayor pro tem. from its membership, as provided in this charter, and administer the following oath of office to any newly elected members, as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of the City of Rockmart and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and the United States of America."

**SECTION 3.03.**

Regular and special meetings.

(a) The mayor and city council shall hold regular public meetings on the second Tuesday of each month at 7:00 P.M. in the city council room of City Hall, 200 North Marble Street, Rockmart, Georgia, or at other such times and places as may be designated by the mayor and city council or prescribed by ordinance. The mayor and city council shall exercise its powers in all public meetings.

(b) The city council may hold special meetings or work sessions on the call of the mayor or the mayor pro tem. and two councilmembers. Notice of any such special meetings or work sessions shall be served on all other councilmembers personally or by personal telephone contact, no less that 24 hours in advance of the meeting. The notice requirements of this section shall not be required and shall be waived if the mayor and all councilmembers are

present when this special meeting or work sessions are called. Such notice of any special meeting or work session may also be waived by a councilmember in writing before or after such a meeting. Attendance at a special meeting shall also constitute a waiver of notice on any business transacted in a councilmember´s presence. Only the business stated in the notice may be transacted at a special meeting, unless all councilmembers unanimously consent to the transacting of additional business. At work sessions, the mayor and city council may discuss, deliberate, plan, or debate current city issues but may not take any vote or formal action and shall not publish or follow a formal agenda.

(c) All meetings of the mayor and city council shall be public to the extent required by law, and notice to the public of any special meetings shall be given, to the extent reasonably possible, as provided in Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

**SECTION 3.04.**

Rules of procedure.

(a) The mayor and city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and the city clerk shall provide for keeping minutes of its proceedings, which shall be public record. The mayor and city council may also adopt procedures and penalties for compelling the attendance of absent members, as well as punishment for contemptuous behavior conducted in the presence of the mayor and city council.

(b) All committees and committee chairs and officers of the city council shall be recommended by the mayor and approved by the city council and shall serve at the pleasure of the mayor and city council. Furthermore, the mayor and city council shall have the power to appoint new members to any committee at any time.

**SECTION 3.05.**

Quorum; voting.

A majority of councilmembers present shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of any ordinances shall be by voice vote and the vote shall be recorded in the minutes of the city council. Any member of the city council shall have the right to request a roll-call vote and such vote shall also be recorded in the minutes, if requested. Except as otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

**SECTION 3.06.**

Action requiring an ordinance.

Acts of the mayor and city council which have the force and effect of law or have a regulatory or penal effect, or are required by this charter or state law to be done by ordinance, shall be enacted by ordinance. All other administrative measures, ministerial acts, expressions of current opinion or feeling of the city council, or temporary measures may be in the form of a resolution. The mayor may also from time to time issue nonbinding proclamations to honor or commemorate a group, event, person, or business in the city.

**SECTION 3.07.**

Ordinances and city legislation; form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause of every ordinance shall be "It is hereby ordained by the mayor and city council of the City of Rockmart…" and every ordinance shall begin.

(b) An ordinance may be introduced by any councilmember and read at a regular or special meeting of the mayor and city council. Ordinances shall be considered and either adopted or rejected by the mayor and city council in accordance with the rules it shall establish upon introduction of any ordinance. The clerk shall, as soon as possible, distribute a copy of same to the mayor and each councilmember and retain a reasonable number of copies in his or her office for inspection and copying by members of the public. The clerk shall also forward certified copies of all ordinances to the Municipal Code Corporation or any other person, firm, or corporation responsible for the codification of the city´s ordinances, so that the city code can be properly revised and updated. After adoption of ordinances, the city clerk shall number them consecutively in the order of their final adoption and record them in a permanent record book used solely for this purpose. The clerk shall do likewise for resolutions, using a separate series of numbers and a separate record book. The city clerk shall file and preserve the original copies of all ordinances, resolutions, and any written motions.

**SECTION 3.08.**

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene a special meeting on the call of the mayor, mayor pro tem. and two

councilmembers, or a majority of councilmembers and promptly adopt an emergency ordinance. However, such an ordinance may not do any of the following:

(1) Levy taxes;

(2) Grant, renew, or extend a franchise;

(3) Regulate the rate charged by any public utility for its services; or

(4) Authorize the borrowing of money except for temporary loans to be repaid within 30 days.

(b) An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. An emergency ordinance shall become effective immediately upon adoption or at such later time as it may specify.

(c) Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but such ordinances may be extended or reenacted in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(d) Emergency meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such applicable laws as are or may hereafter be enacted.

**SECTION 3.09.**

Codes of technical regulations.

(a) The mayor and city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of Section 3.07 of this charter for distribution of copies of the ordinance shall be construed to include making available copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 3.10 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

**SECTION 3.10.**

Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by the clerk´s signature and record all ordinances adopted by the city council in a properly indexed book kept for that purpose.

(b) The mayor and city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the mayor and city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the mayor and city council may specify. This compilation shall be known and cited officially as "The Code of the City of Rockmart, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the mayor and city council.

(c) The mayor and city council shall cause each ordinance and each amendment to this charter to be forwarded to the party responsible for codification and printed following its adoption. The printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the mayor and city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The mayor and city council shall make such arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

**SECTION 3.11.**

Election of mayor; forfeiture; compensation.

The mayor shall be elected by a majority vote of all citizens of the City of Rockmart and serve for a term of four years until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for no fewer than 12 months immediately preceding the election. The mayor shall continue to reside in this city during the period of service. The mayor shall forfeit the office or may be removed on the same grounds and under the same procedures as for councilmembers. The compensation of the mayor shall be established by ordinance in the same manner as for councilmembers.

**SECTION 3.12.**

Powers and duties of mayor.

The mayor shall:

(1) Preside at all meetings of the city council;

(2) Have a vote only in case of a tie vote by councilmembers;

(3) Have veto power as outlined in Section 3.13 of this charter;

(4) Be the ceremonial head of the city;

(5) Sign ordinances and resolutions upon their final passage;

(6) Secure short-term loans in the name of the city when authorized by the city council to do so;

(7) Sign deeds, bonds, and contracts when authorized by the city council to do so;

(8) Serve as the registered agent for service of process in any legal action against the city;

(9) Be the executive head of the city government, responsible for the efficient and orderly administration of the city´s affairs;

(10) Be responsible for the enforcement of the laws, rules, regulations, ordinances, and franchises in the city;

(11) Conduct inquiries and investigations into the conduct of the city´s affairs, when he or she deems necessary, or upon vote of three councilmembers, as provided in Section 2.06 of this charter;

(12) Have the power to administer oaths and to take affidavits;

(13) Call special meetings of the city council as provided for in Section 3.03 of this charter;

(14) Direct the city attorney to take such legal action as the city council may determine;

(15) Make recommendations for committee appointments, to be approved by the city council; and

(16) Have and perform such other powers and duties as may be provided by this charter and duly adopted ordinances not inconsistent herewith.

**SECTION 3.13.**

Submission of ordinances to mayor; veto power.

(a) Every ordinance adopted by the city council shall be promptly presented to the mayor by the clerk no later than five calendar days from the date of the meeting at which it was adopted.

(b) Either at the meeting at which an ordinance was adopted or no later than five calendar days of receipt of an ordinance, the mayor shall return it to the clerk either with or without the mayor´s approval. If the mayor has approved the ordinance, it shall become law immediately upon its return to the clerk. If the mayor neither approves nor disapproves the ordinance, it shall become law at 12:00 Noon on the eleventh calendar day after the city council meeting at which it was adopted. If the mayor expressly disapproves an ordinance, the mayor shall submit to the city council and clerk a written statement of reasons for the veto. The statement of the mayor shall be circulated by the clerk to the city council. In all instances, the clerk shall record upon the ordinance the date it was delivered to and received from the mayor.

(c) If the mayor vetoes an ordinance as provided in this section, the clerk shall present said ordinance to the city council at its next regular or special meeting. If the city council then or at its next meeting adopts the ordinance by an affirmative vote of four councilmembers, the ordinance shall become law.

(d) The mayor may disapprove, veto, or reduce any item or items of appropriation in any ordinance or budget. The approved part or parts of any budget or ordinance making appropriations shall become law and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor´s veto as provided in this section. The reduced part or parts shall also be presented to the city council as if disapproved or vetoed by the mayor and shall not become law unless passed by the city council over the mayor´s veto as provided in this section.

**SECTION 3.14.**

Mayor pro tem.

(a) At the first regular meeting of the mayor and city council each year, the city council shall by majority vote elect another councilmember to serve as mayor pro tem. for a term of one year. Upon the city council´s failure to elect a mayor pro tem. at its first regular meeting in January of each year, the incumbent councilmember who received the highest number of votes when last elected shall be declared mayor pro tem.

(b) The mayor pro tem. shall assume the duties and powers of the mayor during the mayor´s physical or mental disability or absence. Any such disability or absence shall be declared by a majority vote of the city council. In addition, the mayor pro tem. shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as defined in Section 2.05 of this charter.

**SECTION 3.15.**

Powers and duties of the city manager.

The mayor and city council shall appoint a city manager who shall be the chief administrative officer of the city. The city manager shall be responsible to the mayor and city council for the administration of all city affairs placed in the city manager´s charge by or under this charter. As the chief administrative office, the city manager shall:

(1) Serve as chief personnel officer for the city and appoint and, when the city manager deems it necessary for the good of the city, reprimand, suspend, remove, or otherwise take disciplinary action against all city employees and department heads the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any department head who is subject to the city manager´s direction and supervision to exercise these powers with respect to subordinates in that persons department, office, or agency;

(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) Attend all city council meetings except for closed meetings held for the purpose of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but not vote;

(4) See that all laws, provisions of this charter, and acts of the mayor and city council, subject to enforcement by the city manager or by officers subject to the city manager´s direction and supervision, are faithfully executed;

(5) Along with the city clerk as finance officer, prepare and submit the annual operating budget and capital budget to the mayor and city council;

(6) Submit to the mayor and city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Make such other reports as the mayor and city council may require concerning the operations of city departments, offices, and agencies subject to the city manager´s direction and supervision;

(8) Keep the mayor and city council fully advised as to the financial condition and future needs of the city and make such recommendations to the mayor and city council concerning the affairs of the city as the city manager deems desirable;

(9) Serve as purchasing agent for the city and approve all purchases and vouchers for same as set forth by ordinance; and

(10) Perform other such duties as are specified in this charter or as may be required or directed by the mayor and city council.

**SECTION 3.16.**

Mayor and city council involvement with administration.

It is the policy of the mayor and city council to encourage open discussion and communications among elected officials and city employees. Except for the purpose of inquiries and investigations under Section 2.06 of this charter, the mayor and city council or its members should make every effort to deal with city officers and employees who are subject to the direction and supervision of the city manager through the city manager to the extent possible. Neither the mayor and city council nor its members shall give orders to any such officer or employee, either publicly or privately.

**SECTION 3.17.**

Acting city manager.

By letter filed with the city clerk, the city manager shall designate, subject to approval of the mayor and city council, a qualified city administrative officer to exercise the powers and perform the duties of city manager during the city manager´s temporary absence or physical or mental disability. During such absence or disability, the mayor and city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or the city manager´s disability shall cease. Any such absence or disability shall be declared by majority vote of the mayor and city council.

**SECTION 3.18.**

City clerk.

The mayor and city council shall appoint a city clerk who shall not be a councilmember. The clerk shall perform the following duties:

(1) Keep and preserve the official city seal and all city records;

(2) Attend meetings of the mayor and city council and keep the official minutes of its proceedings, including the names of members and other parties present and absent, the vote of each councilmember on each resolution, ordinance, motion, or other official action considered;

(3) Prepare and certify copies of official records when requested, for which fees may be prescribed by ordinance;

(4) Serve as chief financial officer of the city and work in coordination with the city manager in budget preparation and review;

(5) Maintain a book or record of registration of franchises granted by the city pursuant to Section 4.13 of this charter; and

(6) Perform such other duties as may be required by the mayor and city council.

**SECTION 3.19.**

Removal of officers.

(a) The mayor, any councilmember, city manager, or city clerk may be removed from office for any one or more of the following causes:

(1) Incompetence, misfeasance, or malfeasance in office;

(2) Conviction of a felony or other crime involving moral turpitude;

(3) Failure at any time to possess any qualifications of office as provided by this charter or other law;

(4) Knowingly violating Section 2.05 of this charter or any other express prohibition of this charter or code of the City of Rockmart;

(5) Abandonment of office or neglect to perform the duties thereof; or

(6) Failure for any other cause to perform the duties of office as required by this charter, the Rockmart Code of Ordinances, or general state law.

(b) For purposes of subparagraph (a)(2) of this section, the term "moral turpitude" is defined as a crime involving an act which implicates the honesty and integrity of the perpetrator and in particular shall include any crime involving theft, deceit, or fraud.

(c) In the event an elected or appointed officer is sought to be removed by action of the city council, such officer shall be entitled to written notice specifying the ground or grounds for removal and to a public hearing, which shall be held no less than ten days after service of such written notice. Removal of any elected or appointed officer pursuant to subsection (a) of this section shall be accomplished by the affirmative vote of four councilmembers after an investigative hearing. Any and all hearings held pursuant to this section shall be conducted in accordance with Chapter 14 of Title 50 of the O.C.G.A., the "Georgia Open Meetings Act," to the greatest extent reasonably possible.

(d) Any elected or appointed officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Polk County. Such appeal shall be governed by the same rules as governed appeals to the superior court from the probate court of Polk County.

**SECTION 3.20.**

City attorney.

The mayor and city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized or required, and shall provide for payment of such attorney or attorneys for services rendered to the city. The city attorney shall perform the following duties:

(1) Provide for the representation and defense of the city in all litigation in which the city is a party;

(2) May be the prosecuting officer or solicitor in the municipal court;

(3) Attend all meetings of the mayor and city council as directed;

(4) Advise the mayor and city council and other city officers and employees concerning legal aspects of the city´s affairs;

(5) Approve as to form and legality all contracts, deeds, ordinances, resolutions, and motions as presented or prescribed by the mayor and city council; and

(6) Perform such other duties as may be required by virtue of that person´s position as city attorney.

**SECTION 3.21.**

Employment and personnel matters.

The city council shall adopt rules, regulations, and policies consistent with this charter concerning the following:

(1) The method of employee selection and probationary periods of employment;

(2) The administration of a position classification and pay plan, and methods of promotion and transfer within the classification plan;

(3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and rules governing layoffs or similar reductions in force;

(4) Such dismissal hearings as due process may require; and

(5) Such other personnel policies, regulations, provisions, or notices as may be necessary to provide for the adequate and systematic handling of personnel matters.

**SECTION 3.22.**

Boards, commissions, and authorities.

(a) The mayor and city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the mayor

and city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the mayor and city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The mayor and city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by charter or by law, no more than two members of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this charter or by law.

(f) All board members serve at will and may be removed at any time by the affirmative vote of four members of the city council unless otherwise provided by law.

(g) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chair and one member as vice chair, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

**SECTION 3.23.**

Department heads.

(a) Except as otherwise provided herein, the mayor and city council shall by ordinance prescribe the functions and duties and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government thereof.

(b) Except as otherwise provided herein or by other law, the department heads and other officers of the city shall be appointed solely on the basis of their administrative and professional qualifications.

(c) All appointed officers and department heads shall receive such compensation as is determined by the mayor and city council.

(d) There shall be a director or head of each department or agency who shall be its principal officer. Each department head shall be responsible for the administration and direction of the affairs and operations of his or her department or agency, subject to the direction and supervision of the city manager.

## ARTICLE IV
## FINANCE AND FISCAL ADMINISTRATION

### SECTION 4.01.
Fiscal year.

The mayor and city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

### SECTION 4.02.
Preparation of budgets.

The mayor and city council shall adopt an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

### SECTION 4.03.
Submission of operating budget to city council.

(a) On or before a date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the city manager in coordination with the city clerk shall submit to the mayor and city council a proposed operating budget for the ensuing fiscal year, showing the following:

(1) The revenue and expenditure during the previous fiscal year;

(2) Appropriations and estimated revenue and expenditures for the current fiscal year;

(3) Estimated revenue and recommended expenditures for the ensuing fiscal year;

(4) A comparative statement of the assets, liabilities, reserves, and surplus at the end of the previous fiscal year, and estimated assets, liabilities, reserves, and surplus, both at the end of the current fiscal year and the ensuing fiscal year; and

(5) Such other information and data as may be considered necessary by the mayor and city council.

(b) The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of any major changes recommended for the next fiscal year, a general summary of the budget, and any other pertinent comments and information the city manager feel necessary. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be maintained in the office of the city clerk and shall be open to public inspection.

**SECTION 4.04.**

Action by city council on budget.

(a) The mayor and city council may amend the proposed operating budget submitted by the city manager. However, the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. Moreover, the total appropriations from any funds shall not exceed the estimated fund balance, reserves, and revenues.

(b) The mayor and city council by ordinance shall adopt a final operating budget for the ensuing fiscal year, no later than the regular scheduled June city council meeting for each year. If the city council fails to adopt the budget on or before the date set out herein, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items prorated accordingly until such time as the mayor and city council adopt a budget for the ensuing fiscal year. Notice of any or all meetings at which the budget is adopted shall be given as provided by state law.

(c) Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 4.03 of this charter.

(d) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for same and no expenditures shall be made or any encumbrance created in excess of the otherwise encumbered balance of the appropriations or allotment thereof to which it is chargeable unless the budget is amended and such excess expenditure approved by the mayor and city council. In addition, the mayor and city council shall not make any appropriations in excess of any estimated revenue, except to provide for an actual emergency threatening the health, property, or lives, safety, or general welfare of the inhabitants of the city, which emergency shall be declared by the affirmative vote of three members of the city council.

**SECTION 4.05.**

Changes in appropriations.

The mayor and city council may by ordinance make changes in the appropriations contained in the adopted operating budget at any regular meeting or any special or emergency meeting called for that purpose, but any such additional appropriations may be made only for an existing anticipated unappropriated surplus in the fund to which it applies.

**SECTION 4.06.**

Lapse of appropriations.

Any unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made.

**SECTION 4.07.**

Capital budget.

(a) On or before a date fixed by the mayor and city council, but no later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the mayor and city council a proposed capital improvement plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The mayor and city council shall have the power to accept, with or without amendments, or reject the proposed plan and budget. The mayor and city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement on any public property, unless the appropriations for such project are included in the capital budget, except to meet a public emergency that threatens the lives, health, property, or general welfare of the citizens of Rockmart, which emergency shall be declared by the affirmative vote of three members of the city council.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year, not later than the regular June meeting before the beginning of said year. No appropriation provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriation was made has been completed or abandoned. However, the city manager may submit to the city council amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon their adoption by ordinance and by the affirmative vote of three members of the city council. In addition, the capital improvements

budget may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

**SECTION 4.08.**

Independent audit.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The accountant shall conduct this audit according to generally accepted auditing and accounting principles and file a report with the mayor and city council, as well as a summary thereof, both of which shall be furnished or made available to the mayor and every councilmember. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter.

**SECTION 4.09.**

Property taxes.

The mayor and city council may assess, levy, and collect an ad valorem tax on all real and personal property that is subject to taxation by the state and county, provided that such property is located within the corporate limits of the city. These taxes shall be levied for the purpose of raising revenues to defray the costs of operating the city government, providing governmental services, repayment of principal and interest on general obligations, and for any other public purpose as may be determined by the mayor and city council in their discretion.

**SECTION 4.10.**

Millage rate; due dates; payment methods.

(a) The mayor and city council shall by ordinance establish a millage rate for city property taxes, a due date for payment of said taxes, and a time period within which these taxes must be paid. The city shall send a tax bill to all taxpayers and residents of the city showing the due date, assessed valuations, amount of tax due, and information as to delinquency dates and future interest. Failure to send such tax bills shall not, however, invalidate any tax.

(b) The mayor and city council may by ordinance provide for the payment of these taxes in one lump sum or in installments, subject to the restrictions contained in state law, and also authorize the voluntary payment of taxes prior to their due dates.

(c) All taxes due to the city shall bear interest at the maximum interest rate specified by state law for delinquent taxes. Any period of less than one month shall be considered to be one month for the purpose of calculating interest under this section. The city shall have the right to enforce, collect, or both, any delinquent taxes to the fullest extent permitted by general law.

**SECTION 4.11.**

Occupation and business taxes.

The mayor and city council shall by ordinance have the power to levy such occupation or business taxes as are authorized by law. The mayor and city council may further classify businesses, occupations, or professions for the purpose of such taxation in accordance with state law and may compel the payment of such taxes as provided in Section 4.17 of this charter.

**SECTION 4.12.**

Regulatory fees; permits.

The mayor and city council shall by ordinance have the power to require businesses or practitioners doing business within the city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit, as provided by state law. Such fees shall reflect the approximate total costs to the city of regulating the activity, and, if unpaid, shall constitute a lien against the property or person liable therefor and may be collected as provided in Section 4.17 of this charter.

**SECTION 4.13.**

Franchises.

(a) The mayor and city council shall have the power to grant franchises for the use of the city´s rights of way, streets, and alleys for use by railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, Internet providers, fiber optic network providers, gas companies, transportation companies, and other similar organizations. The mayor and city council shall determine the duration, terms, and consideration for such franchises, and whether they shall be exclusive or nonexclusive. However, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor.

(b) The mayor and city council shall provide for the registration of all such franchises with the city clerk in a registration book to be maintained by the clerk and may provide by ordinance for the registration within a reasonable time of all franchises previously granted.
(c) If no franchise agreement is in effect, the mayor and city council has the authority to impose a tax on gross receipts for the use of the city´s rights of way, streets, and alleys for use by railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, Internet providers, fiber optic network providers, gas companies, transportation companies, and other similar organizations.

**SECTION 4.14.**

Service charges; utilities.

The mayor and city council shall by ordinance have the power to assess and collect fees and tolls for water, sewer, sanitary and health services, or any other similar services provided or made available both within and beyond the corporate limits of the city for the total costs to the city of providing and making such services. Such charges, if unpaid, shall be collected as provided in Section 4.17 of this charter and shall constitute a lien against any person or property served.

**SECTION 4.15.**

Special assessments.

The mayor and city council shall by ordinance have the power to assess and collect the costs of constructing or reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances, from the abutting property owners on a pro rata basis or under such other terms and conditions as may be reasonable or agreed upon by the parties. Such charges, if unpaid, shall be collected as provided in Section 4.17 of this charter and shall constitute a lien against the person or property assessed.

**SECTION 4.16.**

Other taxes and fees; construction.

The mayor and city council shall be empowered to levy any other tax or fee now or hereafter permitted by law. The specific inclusion of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of the city to collect taxes, fees, charges, and other moneys, and otherwise govern its local affairs.

**SECTION 4.17.**

Collection of delinquent taxes and fees.

The mayor and city council may by ordinance provide generally for the collection of any delinquent taxes, fees, charges, or other moneys due the city under Sections 4.10 through 4.16 of this charter by whatever reasonable means as may be permitted by law. This shall include, but not be limited to, the following:

(1) Providing for the dates when such taxes or fees are due;

(2) Fixing late penalties or interest, or both;

(3) Issuance and execution of fi.fas., judgments, or other liens;

(4) Creation and priority of liens;

(5) Making delinquent taxes and fees personal debts of the person or persons required to pay same;

(6) Revoking city permits or other licenses for failure to pay any city taxes or fees;

(7) Providing for the assignment or transfer of tax executions; and

(8) Taking such other action as may be necessary and authorized by law to collect such unpaid taxes, fees, or other charges.

It is the general intent of this article to provide that all unpaid city taxes, fees, charges, or other moneys due the city under this charter shall constitute a lien against the property, person, or both for which the taxes, fees, or charges are levied, to enable the city to collect and enforce payment of same to the greatest extent possible.

**SECTION 4.18.**

General obligation bonds.

The mayor and city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of this state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

**SECTION 4.19.**

Revenue bonds.

The mayor and city council may issue revenue bonds as provided by state law now or hereafter amended. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

**SECTION 4.20.**

Short-term loans.

The mayor and city council may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

**SECTION 4.21.**

Lease-purchase contracts.

The mayor and city council may enter into multiyear lease, purchase, or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

**SECTION 4.22.**

Contracting procedures.

No long-term or substantial contract with the city shall be binding on the city unless:

(1) It is in writing;

(2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of course, is signed by the city attorney to indicate such drafting or review; and

(3) It is made or authorized by the city council and such approval is entered in the city council minutes of proceedings pursuant to Section 2.21 of this charter.

The city shall follow the requirements of state law with regard to any "public works construction projects" as defined by Code Section 36-91-1 of the O.C.G.A., et seq., or other such applicable laws as are or may hereafter be enacted in giving notice, receiving bids, requiring performance and payment bonds, and entering into contracts for such projects. The city manager shall have the discretion to require any outside contractors, subcontractors, or other persons, firms, or corporations to execute a written contract or letter or memorandum of understanding in all outside city projects costing in excess of $5,000.00, depending on the nature of the project. For purposes of this section, "long-term or substantial" shall mean any contract of a duration exceeding 12 months or involving the payment by the city of more than $50,000.00 for any goods, services, equipment, or materials.

**SECTION 4.23.**

Centralized purchasing.

The mayor and city council may by ordinance prescribe procedures for a system of centralized purchasing for the city.

**SECTION 4.24.**

Sale and lease of city property.

(a) The mayor and city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

(b) The mayor and city council may quitclaim any rights it may have in property not needed for public purposes upon report by the city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract or boundary of land owned by the city, the mayor and city council may authorize the city manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner´s property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. The city shall also have discretion to retain any utility easements as may be necessary with regard to such property. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey any title and interest the city may have in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

(d) Any person, firm, or corporation who purchases property from the city pursuant to this section shall be responsible for any and all fees, costs, or other expenses associated with the transaction, including, but not limited to, attorneys´ fees, recording costs, survey and appraisal fees, and similar such expenses, except as otherwise agreed between the city and the purchaser.

ARTICLE V

ELECTIONS

**SECTION 5.01.**

Applicability of general law.

All primaries and elections for any elected office in the City of Rockmart government or any other matter that is properly the subject of a municipal election shall be held and conducted in accordance with general state law governing elections as contained in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," or as may hereafter be amended.

**SECTION 5.02.**

Regular elections; time for holding.

(a) The regular municipal general election for mayor and councilmembers shall be held biannually on the first Tuesday next following the first Monday in November in each odd numbered year. The terms of office shall begin on January 1 of the year next following such election. Officials elected at any such election shall be sworn in at the first regular meeting of the mayor and city council in January next following such election.

(b) There shall be elected the mayor and city councilmembers from Wards 2 and 5 at the municipal general election in 2005 and at every other municipal general election thereafter. There shall be elected the councilmembers from Wards 1, 3, and 4 at the municipal general election in 2007 and at every other municipal general election thereafter so that a continuing body is created.

**SECTION 5.03.**

Wards; ward residency requirements.

(a) The City of Rockmart shall be divided into five wards to be numbered from one to five, all as more particularly shown and depicted on the 2000 Census Map of the City of Rockmart, on file in the office of the clerk, and including more specifically within each ward the following census blocks of the respectively designated Census tracts:

(1) Ward 1.

Census Tract No. 9906:

Census Blocks 1009, 1012-1022, 1025-1027, 1031-1034, 1036-1043, 1049, 1050, 1053, 1054, 1060-1068, 1089, 1090, and 2008-2017.

Census Tract No. 9907:

Census Blocks 1005, 1006, 1016, and 1015.

(2) Ward 2.

Census Tract No. 9907:

Census Blocks 3007, 3009, 3012, 3013, 3019-3044, 4011, 4013-4022, 4024, 4026-4028, 4034, and 5010-5011.

(3) Ward 3.

Census Tract No. 9906:

Census Blocks 1028-1029, 1055-1057, 1069-1088, 2038-2040, 3000, 3019-3025.

Census Tract No. 9907:

Census Blocks 2009, 3010, and 3011.

(4) Ward 4.

Census Tract No. 9907:

Census Blocks 2001, 2002, 2004, 2005, 2007, 2008, 2010-2016, 2018-2023, 3000-3006, 3008, 3014-3018, and 4012.

(5) Ward 5.

Census Tract No. 9906:

Census Blocks 1010-1012, 1018, 1019, 1021-1027, 1029-1037, 1040-1042, 2000, 2003, 2017, and 4003.

(b) When used in subsection (a) of this section, the terms "Tract" and "BG" (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a "BG" heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Rockmart which is not included in any such ward described in subsection (a) of this section shall be included within that ward contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the City of Rockmart which is described in subsection (a) of this section as being in a particular ward shall nevertheless not be included within such ward if such part is not contiguous to such ward. Such noncontiguous part shall instead be included within that ward contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any ward, whenever the description of such ward refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

(c) One councilmember shall be elected from each of the five wards of the City of Rockmart as described in subsection (a) of this section. At the time of qualification for office, each

councilmember shall be a resident of the ward which he or she is elected to represent and shall be elected by a majority of the voters voting within that ward and not at large. The mayor shall be a resident of the city and shall be elected by a majority of the voters of the entire city.

**SECTION 5.04.**

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

**SECTION 5.05.**

Election by majority.

The candidate receiving a majority of the votes cast for any city office shall be elected to serve in that office.

**SECTION 5.06.**

Special elections; vacancies.

(a) In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.03 of this charter, and such vacancy occurs during the final 27 months of the terms of the vacant office, then the mayor and city council or those remaining shall appoint a successor for the remainder of the term. If such vacancy occurs before the final 27 months of such term of office, the election superintendent of the city shall call a special election to fill the remainder of the term of office. Persons appointed or elected to fill a vacancy shall possess the same qualifications as required in the office vacated and serve the remainder of the unexpired term and until a successor is regularly elected and qualified. Any special election held pursuant to this section shall be conducted in accordance with general state law regarding municipal elections, as contained in Title 21 of the O.C.G.A. as now or hereafter amended. Such election shall be held as soon as permitted under state law from the date such vacancy occurs.

(b) Special elections may be called at any time by the mayor and city council for the purpose of voting on bond issues, general obligation debt, or other questions required or permitted by law to be presented to the citizens of the City of Rockmart. In all such special elections, the city shall follow the procedure established for municipal general elections, as well as any

additional requirements of state law with regard to bond issues, general obligation debt, or other proper ballot questions.

**SECTION 5.07.**

Rules and regulations.

Except as otherwise provided by this charter, the mayor and city council shall, by ordinance, describe such rules and regulations as it deems appropriate to fulfill any options and duties it may have, as contained in Chapter 2 of Title 21 of the O.C.G.A. as presently enacted or hereafter amended.

ARTICLE VI

JUDICIAL BRANCH

**SECTION 6.01.**

Creation; name.

There is hereby established a court to be known as the Municipal Court of the City of Rockmart.

**SECTION 6.02.**

Municipal judge.

(a) The Rockmart municipal court shall be presided over by a part-time municipal judge and any other stand-by or substitute judges as may be provided by ordinance.

(b) No person shall be qualified and eligible to serve as a judge of the Rockmart municipal court unless that person:

(1) Has attained the age of 30 years;

(2) Is a qualified and registered voter in Polk County;

(3) Has resided in Polk County for no fewer than five years immediately preceding appointment;

(4) Has obtained or will obtain within 12 months after appointment any and all licenses or certifications as may be required by general law; and

(5) Possesses all other qualifications as may be required by law.

All municipal judges shall be appointed by, and serve at the pleasure of, the mayor and city council, and shall serve until a successor is duly appointed and qualified.

(c) The mayor and city council shall fix the compensation of the municipal judge or judges.
(d) The municipal judge shall serve at will and may be removed from office at any time by majority vote of the city council, unless otherwise provided by ordinance.
(e) Before assuming office, the municipal judge shall take an oath, to be administered by the mayor, that he or she will honestly and faithfully discharge the duties of office to the best of his or her ability, and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council as maintained by the clerk pursuant to Section 3.18 of this charter.

**SECTION 6.03.**

Court proceedings; schedules.

The Rockmart municipal court shall be convened at regular intervals and at such other times as may be determined by the judge. A court schedule shall be published and made available to the public, either at city hall or at the Rockmart police department.

**SECTION 6.04.**

Jurisdiction; powers.

(a) The Rockmart municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as permitted by general state law.
(b) The Rockmart municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine as authorized by law or ten days in jail.
(c) The Rockmart municipal court may fix punishment for offenses within its jurisdiction, not to exceed a fine of $1,000.00, or imprisonment for six months, or both a fine and imprisonment, or may fix punishment by fine, imprisonment, community service, or any other form of alternative sentencing as now or hereafter provided by law. If state law authorizes punishment in excess of the fine or imprisonment specified herein, then the court may impose the greater punishment.
(d) The Rockmart municipal court shall have authority to establish a schedule of fees to defray its costs of operation, and, with regard to prisoners bound over to any superior court for violations of state law, shall be entitled to reimbursement for the actual costs of meals, transportation, general caretaking expenses, court costs, administrative fees, and such other fees as are authorized to be collected by Georgia law as presently enacted or hereafter amended.
(e) The Rockmart municipal court shall have the authority to establish bail and recognizance to insure the presence of those charged with violations before said court and shall have

discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with such violations. Whenever any person gives bond for his or her appearance and fails to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at that time and execution shall be issued thereon by serving the defendant and the defendant´s sureties with a rule nisi, at least five days before a hearing thereon. In the event that cash or property is accepted in lieu of bond to secure the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the municipal judge declared forfeited to the city; or the property so deposited shall have a lien against it for the amount forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for unpaid city property taxes and fees.

(f) The Rockmart municipal court shall have the same authority as the Superior Court of Polk County to compel the production of evidence in the possession of any party, to enforce obedience to its orders, judgments, or sentences, and to administer such oaths as may be necessary.

(g) The Rockmart municipal court shall have the authority to bind defendants over to the appropriate court when it appears by probable cause that state law has been violated, or where a defendant makes a written request for a trial by jury, or under other circumstances in which a transfer is authorized by state law.

(h) The judge of the Rockmart municipal court may compel the presence of all parties necessary for the proper disposal of each case by the issuance of summons, subpoenas, and warrants, which may be served or executed by any officer as authorized by this charter or other law.

(i) The judge of the Rockmart municipal court shall be authorized to issue warrants for the arrest of any person or persons charged with violations of any ordinances of the city. The judge shall have the same authority as a magistrate of the state or county to issue warrants for violations of state laws committed within the corporate limits of the City of Rockmart. The judge shall also have the authority to issue warrants for the arrest of persons charged with violating any of the terms or conditions of any sentence of probation imposed upon them in the municipal court and revoke any or all of said person´s remaining probated sentence, if those persons are found to have violated the terms and conditions of their probation.

(j) The Rockmart municipal court is specifically vested with all jurisdiction and power throughout the corporate limits of the city as granted generally by law to municipal courts and particularly by such laws that authorize the abatement of nuisances and prosecution of traffic violations.

(k) Subject to the approval of the mayor and city council, the municipal court is further authorized to enter into any contracts or agreements it deems necessary or expedient for certain services, including, but not limited to, housing persons charged with city offenses in other jail facilities, probation and related supervision services, collection of fines, fees, and other delinquent payments, and similar such services.

**SECTION 6.05.**

Certiorari.

The right of certiorari from the decisions and judgments of the Rockmart municipal court shall exist in all criminal cases, ordinance violation cases, and such other cases in which certiorari is appropriate under state law. Such certiorari shall be obtained under the sanction of a judge of the Superior Court of Polk County and under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

**SECTION 6.06.**

Rules of court.

With the approval of the city council, the municipal judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the Rockmart municipal court. However, the city council may adopt, in whole or in part, the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the city clerk and made available for public inspection. Upon written request, a copy of said rules and regulations shall be furnished to all defendants in municipal court cases at least 48 hours prior to their arraignment, trial, or any other hearing or proceeding.

ARTICLE VII

GENERAL PROVISIONS

**SECTION 7.01.**

Bonds for city officials.

The officers and employees of the City of Rockmart, both elected and appointed, may be required to execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council may from time to time require by ordinance, or as may be provided by law. Any and all premiums or other costs of such bonds, unless otherwise provided by ordinance or other law, shall be paid by the city.

**SECTION 7.02.**

Existing ordinances, resolutions, rules, and regulations.

All ordinances, resolutions, rules, and regulations now enforced in the city that are not inconsistent with this charter are declared valid and are in full force and effect until amended or repealed by the city council.

**SECTION 7.03.**

Pending matters.

Except as specifically provided otherwise in this charter, all rights, claims, actions, orders, contracts, and any other legal or administrative proceedings existing on or before the date this charter becomes effective shall continue as they had before the effective date hereof, and any such ongoing projects, work, or cases shall be completed by such city agencies, personnel, departments, authorities, or offices as may be provided by the mayor and city council.

**SECTION 7.04.**

Construction.

(a) Section captions in this charter are informative only and are not to be considered as a part of the sections which they describe.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

**SECTION 7.05.**

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be unconstitutional or otherwise invalid. It is the legislative intent of the General Assembly in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

**SECTION 7.06.**

Specific repealer.

An Act incorporating the City of Rockmart in the County of Polk, approved on April 8, 1968 (Ga. L. 1968, p. 3224), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. It is the intent and purpose of this charter to replace and supersede the above-referenced charter, and any charter provisions previously enacted.

**SECTION 7.07.**

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 7.08.**

Repealer.

All laws and parts of laws in conflict with this Act are repealed.